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EXAMINER

CARTER, TIA A

ART UNIT PAPER NUMBER

2626

DATE MAILED: 12/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/917,014	Applicant(s) BREWSTER, JON A.	
	Examiner Tia A Carter	Art Unit 2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/26/01</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-44 are rejected under 35 U.S.C. 102(b) as being anticipated by Funk (US. 5793497).

Regarding claim 1, Funk discloses a method of suspending delivery (see figure 4) of an electronic document, for an electronic document delivery system comprising the steps of:

Entering a delivery schedule (customer database 200) for the electronic document into an electronic receiving device (processing system 104)(fig. 2, col. 4, lines 24-30); and

Automatically suspending, without user intervention, delivery of the electronic document based on the delivery schedule (see fig. 4-1, field 20, col. 5, lines 16-32 and lines 43-51).

Regarding claim 2, Funk discloses the method of claim 1, wherein entering the delivery schedule includes storing (customer database 200) a delivery suspension period for the electronic document (fig. 4, col. 5, lines 16-26).

Regarding claim 3, Funk discloses the method of claim 1, wherein entering the delivery schedule includes entering a delivery suspension scheme that provides for, where the electronic document is a recurring time basis publication, replacing the electronic document by a later delivered electronic document for the recurring time basis publication each time a new publication of the electronic document arrives so that a latest available publication of the electronic document is stored (fig. 4, col. 5, lines 16-51).

Regarding claim 4, Funk discloses the method of claim 1, wherein entering the delivery schedule includes entering an instruction to suspend delivery indefinitely until reestablishment of delivery by a request by a user (fig. 4-1 field 20, col.5, lines 16-27).

Regarding claim 5, Funk discloses the method of claim 1, wherein entering the delivery schedule includes entering an entire delivery list for delivery suspension (fig. 2, col. 4, lines 24-51).

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Regarding claim 6, Funk discloses the method of claim 1, wherein the delivery schedule includes delivery of a plurality of electronically published documents (fig. 1, col. 3, lines 36-42).

Regarding claim 7, Funk discloses the method of claim 1, wherein the delivery schedule includes delivery of electronic mail (fig. 2, col. 4, lines 39-56).

Regarding claim 8, Funk discloses the method of claim 1, wherein the electronic document delivery system controls delivery of electronic documents to a user's computer (end terminal-114) (fig. 1, col. 3, lines 53-58).

Regarding claim 9, Funk discloses the method of claim 1, wherein the electronic document delivery system controls delivery of electronic documents to a user's handheld device (end terminal 114) (fig. 1, col. 3, lines 53-58).

Regarding claim 10, Funk discloses the method of claim 1, wherein the delivery schedule is modifiable remotely by a user (fig. 1, col. 4, lines 6-23).

Regarding claim 11, Funk discloses the method of claim 1, wherein the delivery schedule is set to allow delivery of electronic documents that requires less than a specified memory allocation size and to suspend delivery of electronic documents that require greater than or equal storage space compared to the specified memory allocation size (fig. 5, col. 6, lines 46-63).

Regarding claim 12, Funk discloses the method of controlling storage (processor 104) of electronic documents received for an electronic document delivery system (see figure 4), comprising the steps of:

Setting at least one restriction on storing electronic documents received (fig. 5, col. 6, lines 64-67 and col. 7, lines 1-2); and

Automatically adapting, without user intervention, a scheme for storage of the electronic documents based on the at least one restriction (fig. 6, col. 7, lines 3-20).

Regarding claim 13, Funk discloses the method of claim 12, wherein setting at least one restriction includes storing a suspension period during which electronic documents that are received are not stored (fig. 6, col. 7, lines 17-20).

Regarding claim 14, Funk discloses the method of claim 12, wherein setting at least one restriction on storing electronic documents received includes, where a received electronic document is a recurring time basis publication, replacing, in memory, a previous publication of the received electronic document by the received electronic document each time a new publication of a received electronic document arrives so that a latest available publication of the electronic documents is stored (fig. 4, col. 5, lines 16-51).

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Regarding claim 15, Funk discloses the method of claim 12, wherein setting at least one restriction on storing electronic documents received includes entering an instruction to suspend delivery indefinitely until re-establishment of delivery by a request by a user (fig. 4-1 field 20, col. 5, lines 16-28; fig. 6, col. 7, lines 3-20).

Regarding claim 16, Funk discloses the method of claim 12, wherein setting at least one restriction on storing electronic documents received includes entering an entire delivery list for delivery suspension (fig. 6, col. 7, lines 3-20).

Regarding claim 17, Funk discloses the method of claim 12, wherein setting at least one restriction on storing electronic documents received includes regulating storage of at least one electronically published document that is received (fig. 6, col. 7, lines 3-27).

Regarding claim 18, Funk discloses the method of claim 12, wherein setting at least one restriction on storing electronic documents received includes regulating storage of at least one category of electronic mail that is received (fig. 6, col. 7, lines 3-27).

Regarding claim 19, Funk disclose the method of claim 12, wherein the electronic document delivery system controls delivery of a plurality of electronic documents to a user's computer (end terminal-114) (fig. 1, col. 3, lines 53-58).

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Regarding claim 20, Funk discloses the method of claim 12, wherein the electronic document delivery system controls delivery of electronic documents to a user's handheld device (end terminal 114) (fig. 1, col. 3, lines 53-58).

Regarding claim 21, Funk discloses the method of claim 12, wherein setting at least one restriction on storing electronic documents received includes is accomplished remotely by a user (fig. 1, col. 4, lines 6-23).

Regarding claim 22, Funk discloses the method of claim 12, wherein setting at least one restriction on storing electronic documents received includes allowing delivery of electronic documents that requires less than a specified memory allocation size and to suspend delivery of electronic documents that require greater than or equal storage space compared to the specified memory allocation size (fig. 5, col. 6, lines 46-63).

Regarding claim 23, Funk discloses an apparatus for an electronic document delivery system that automatically suspends delivery of an electronic document (see figure 1), comprising:

A scheduling unit (customer database 200), for entering a delivery schedule for the electronic document into an electronic receiving device (processing system 104)(fig. 2, col. 4, lines 24-30); and

A suspension control unit (processor 210), coupled to the scheduling unit, for automatically suspending, without user intervention, delivery of the electronic

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document based on the delivery schedule (see fig. 4-1, field 20, col. 5, lines 16-32 and lines 43-51).

Regarding claim 24, Funk discloses the apparatus of claim 23, wherein suspension control unit storing (customer database 200) a delivery suspension period for the document (fig. 4, col. 5, lines 16-26).

Regarding claim 25, Funk discloses the apparatus of claim 23, wherein the predetermined suspension scheme that provides for, where the document is a recurring time basis publication, replacing the document by a later delivered document for the recurring time basis publication each time a new publication of the document arrives so that a latest available publication of the document is stored (fig. 5, col. 6, lines 46-67 and col. 7, lines 1-27).

Regarding claim 26, Funk discloses the apparatus of claim 23, wherein the predetermined suspension schemes provides for suspending delivery indefinitely until reestablishment of delivery by a request by a user (fig. 4-1 field 20, col. 5, lines 16-28).

Regarding claim 27, Funk discloses the apparatus of claim 23, wherein the predetermined suspension scheme includes entry of an entire delivery list for delivery suspension (fig. 2, col. 4, lines 24-51).

Regarding claim 28, Funk discloses the apparatus of claim 23, wherein the predetermined suspension scheme includes suspension of delivery of a least one electronically published documents (fig. 4-1 field 20, col.5, lines 16-28).

Regarding claim 29, Funk discloses the apparatus of claim 23, wherein the predetermined suspension scheme includes suspension of delivery of electronic mail (fig. 2, col. 4, lines 39-56).

Regarding claim 30, Funk discloses the apparatus of claim 23, wherein the predetermined suspension scheme controls delivery of electronic documents to a user's computer (end terminal-114) (fig. 1, col. 3, lines 53-58).

Regarding claim 31, Funk discloses the apparatus of claim 23, wherein the predetermined suspension scheme controls delivery of electronic documents to a user' handheld device (end terminal 114) (fig. 1, col. 3, lines 53-58).

Regarding claim 32, Funk discloses the apparatus of claim 23, wherein the predetermined suspension scheme is modifiable remotely by a user (fig. 1, col. 4, lines 6-23).

Regarding claim 33, Funk discloses the method of claim 23, wherein the predetermined suspension scheme is set to allow delivery of electronic documents that requires less than a specified memory allocation size and to

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suspend delivery of electronic documents that require greater than or equal storage space compared to the specified memory allocation size (fig. 5, col. 6, lines 46-63).

Regarding claim 34, Funk discloses an apparatus for an electronic documents delivery system that controls storage of electronic documents received, comprising:

A delivery regulating unit (processor system 210) that sets at least one restriction on storing electronic documents received (fig. 4-1, col. 5, lines 16-28; fig. 6, col. 7, lines 3-20); and

An electronic document storage unit (temporary file), coupled to the delivery regulating unit (processor 210), that automatically stores, without user intervention, the electronic documents received in accordance with the at least one restriction (fig. 6, col. 7, lines 3-20).

Regarding claim 35, Funk discloses the apparatus of claim 34, wherein the at least one restriction provides for utilizing a suspension period during which electronic documents that are received are not stored (fig. 4-1 field 20, col. 5, lines 16-28; fig. 6, col. 7, lines 3-20).

Regarding claim 36, Funk discloses the apparatus of claim 34, wherein the at least one restriction on storing electronic documents received includes, where a received electronic document is a recurring time basis publication, replacing, in

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memory, a previous publication of the received electronic document by the received electronic document each time a new publication of a received electronic document arrives so that a latest available publication of the electronic document is stored (fig. 5, col. 6, lines 46-67 and col. 7, lines 1-27).

Regarding claim 37, Funk disclose the apparatus of claim 34, wherein the at least one restriction on storing electronic documents received includes an instruction to suspend delivery indefinitely until re-establishment of delivery by a request by a user (fig. 4-1 field 20, col. 5, lines 16-28; fig. 6, col. 7, lines 3-20).

Regarding claim 38, Funk discloses the apparatus of claim 34, wherein the at least one restriction on storing electronic documents received includes suspension for an entire delivery list (fig. 4-1 field 20, col. 5, lines 16-28; fig. 6, col. 7, lines 3-20).

Regarding claim 39, Funk discloses the apparatus of claim 34, wherein the at least one restriction on storing electronic documents received includes storage regulation of at least one electronically published document that is received (fig. 5, col. 6, lines 46-63; fig. 6, col. 7, lines 3-20).

Regarding claim 40, Funk discloses the apparatus of claim 34, wherein the at least one restriction on storing electronic documents received includes regulating

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storage of at least one category of electronic mail that is received (fig. 5, col. 6, lines 46-63; fig. 6, col. 7, lines 3-20).

Regarding claim 41, Funk discloses the apparatus of claim 34, wherein the electronic receiving device is a user's computer (end terminal 114)(fig. 1, col. 3, lines 53-58).

Regarding claim 42, Funk discloses the apparatus of claim 34, wherein the electronic receiving device is a user's handheld device (end terminal 114) (fig. 1, col. 3, lines 53-58).

Regarding claim 43, Funk discloses the apparatus of claim 34, wherein the at least one restriction on storing electronic documents received is entered remotely by a user (end terminal 114)(fig. 1, col. 3, lines 53-58).

Regarding claim 44, Funk discloses the apparatus of claim 34, wherein the at least one restriction on storing electronic documents received includes allowing delivery of electronic documents that require less than a specified memory allocation size and suspending delivery of electronic documents that require greater than or equal storage compared with the specified memory allocation size (fig. 5, col. 6, lines 46-63).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Griebenow et al. (US. 5850520) and Du et al. (US. 6823357) are cited to show related art with respect to distribution of electronic documents.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tia A Carter whose telephone number is 703 - 306-5433. The examiner can normally be reached on M-F (7:00-3:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A Williams can be reached on 703-305-4863. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

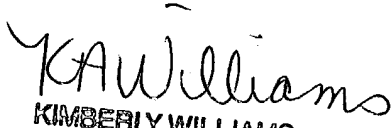
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Tia A Carter
Examiner
Art Unit 2626



TAC
12/10/04



KIMBERLY WILLIAMS
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